

REMARKS

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the following remarks. Currently, Claims 1-5, 8-20, and 26-44 are pending, with Claims 30-44 withdrawn from consideration.

Claim Rejections - 35 U.S.C. §112

The rejection of Claims 1-29 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement is respectfully traversed.

As explained in the Amendments to the Claims section in the previous Amendment, the limitations added to Claims 1 and 14 are supported by original Claims 24 and 25. Furthermore, the limitation of "at least one tucking blade conveyed along a track that guides the at least one tucking blade a distance alongside the conveyor" is described and explained in detail on page 17, lines 7-24, and illustrated in Figs. 6, 7, and 8.

In accordance with 35 U.S.C. §112, first paragraph, Applicants' specification contains a written description of the invention that fully supports and enables the limitations of amended Claims 1 and 14. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103**A. Maxton et al. in view of Herrmann**

The rejection of Claims 1, 4, 5, and 8-13 under 35 U.S.C. §103(a) as being unpatentable over Maxton et al. (U.S. Patent No. 6,497,032, hereinafter "Maxton") in view of Herrmann (U.S. Patent No. 5,788,805) is respectfully traversed.

As noted by the Examiner, Maxton fails to disclose or suggest the use of a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. Instead, the tucking mechanism described in Maxton includes helical skis

affixed to the entry conveyor, the support structure, or partially or fully on the main folding drum. In contrast with the stationary helical skis in Maxton, the tucking blades recited in Applicants' Claim 1 are set in motion, either on a rotary paddle or conveyed along a track.

Herrmann discloses a method and apparatus for producing products composed of flexible sheet material having elastic portions that tend to contract the product during manufacture. The apparatus in Herrmann maintains the sheet material in a stretched condition during assembly by using engaging, or gripping, members 64, 66 having pins or teeth that impale the sheet material. Water jets 56 mounted on swing arms 56a, 56b are used to cut leg regions along transverse edges of the sheet material. Stationary tucking rods 110, 112 are used to tuck the side regions into the finished garments.

Contrary to the Examiner's assertion, Herrmann fails to disclose or suggest the use of a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. The tucking device in Herrmann is essentially the stationary tucking rods 110, 112. These rods are not used with either a tucking blade on a rotary paddle or a tucking blade conveyed along a track that guides the tucking blade a distance alongside the conveyor. Contrary to the Examiner's contention, neither the water jet swing arms 56a, 56b nor the engaging members 64 constitute tucking blades. Neither of these elements (56a/b or 64) push any portion of the garment into the body portion of the garment. Instead, the water jet swing arms 56a, 56b control a cutting device 56 and the engaging members 64 pin the garment in place.

Neither Maxton nor Herrmann, nor the combination thereof, provide any suggestion or motivation to include a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor.

Since there is no suggestion or motivation to modify either Maxton or Herrmann to use a mechanical tucking device that includes either a tucking blade on a rotary paddle or a tucking blade that is conveyed along a track, as recited in Applicants' independent Claim 1, there is no reasonable expectation of success in achieving Applicants' claimed method based on the teachings of Maxton and Herrmann. Thus, Herrmann fails to overcome the deficiencies of Maxton.

For at least the reasons given above, Applicants respectfully submit that the teachings of Maxton in view of Herrmann fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Westphal et al. in view of Herrmann

The rejection of Claims 14-20, 23, and 25-28 under 35 U.S.C. §103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 4,739,910, hereinafter "Westphal") in view of Herrmann is respectfully traversed.

As noted by the Examiner, Westphal fails to disclose or suggest a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. Instead, the Westphal apparatus includes a plunger head that pushes the garment off of the conveyor belt assemblies and into a folding and pleating cone, and pleating rods that push the side portions of the garment into the body portion of the garment. Neither the plunger head nor the pleating rods nor any other components of the Westphal apparatus are on a rotary paddle or are conveyed along a track alongside a conveyor.

In further contrast with Applicants' claimed apparatus, the apparatus in Westphal includes a tucking device that performs the tucking operation on a garment *after* the garment has been removed from the conveyor belt assemblies and suction systems, instead of *simultaneously*, as recited in Applicants' Claim 14. More particularly, as shown in Fig. 1 and described at Col. 6, lines 1-7, of Westphal, the plunger head 148 and the folding and pleating cone 150 are disposed on opposite

sides of the conveyor assemblies 32, 34. The plunger head is disposed on a first side of the conveyor assemblies and the cone is disposed on a second side of the conveyor assemblies, such that when a garment is aligned on the conveyor assemblies between the plunger head and the cone, the plunger head is then pushed from the first side into the garment, and both the plunger and the garment are then pushed into the cone on the second side of the conveyor assemblies. Since *the tucking takes place on the pleating rods extending from an end of the cone opposite the conveyor assemblies, the garment is not in contact with the conveyor assemblies or the suction system when the side portions of the garment are pushed onto the body portion of the garment.*

Herrmann fails to overcome the deficiencies of Westphal. As explained above, the tucking device in Herrmann is essentially the stationary tucking rods 110, 112. These rods are not used with either a tucking blade on a rotary paddle or a tucking blade conveyed along a track that guides the tucking blade a distance alongside the conveyor. Contrary to the Examiner's assertion, neither the water jet swing arms 56a, 56b nor the engaging members 64 constitute tucking blades. Neither of these elements (56a/b or 64) push any portion of the garment into the body portion of the garment. Instead, the water jet swing arms 56a, 56b control a cutting device 56 and the engaging members 64 pin the garment in place.

Neither Westphal nor Herrmann, nor the combination thereof, provide any suggestion or motivation to include a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor.

Since there is no suggestion or motivation to modify either Westphal or Herrmann to use a mechanical tucking device that includes either a tucking blade on a rotary paddle or a tucking blade that is conveyed along a track, as recited in Applicants' independent Claim 14, there is no reasonable expectation of success in achieving Applicants' claimed apparatus based on the teachings of Westphal and Herrmann. Thus, Herrmann fails to overcome the deficiencies of Westphal.

For at least the reasons given above, Applicants respectfully submit that the teachings of Westphal in view of Herrmann fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

C. Maxton et al. in view of Herrmann and Westphal et al.

The rejection of Claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Maxton in view of Herrmann and further in view of Westphal is respectfully traversed.

As explained above, Maxton, Herrmann, and Westphal each fail to disclose or suggest the use of a mechanical tucking device for pushing opposing side panels onto the body portion of a garment that includes two opposing assemblies, with each assembly including either at least one tucking blade on a rotary paddle or at least one tucking blade conveyed along a track that guides the tucking blade(s) a distance alongside the conveyor. More particularly, neither Maxton nor Herrmann nor Westphal disclose or suggest using opposing assemblies with tucking blades that are set in motion.

There is no suggestion or motivation in either Maxton, Herrmann, or Westphal to use opposing assemblies with moving tucking blades. In Maxton, the tucking mechanism includes stationary helical skis. In both Herrmann and Westphal, the tucking mechanism includes stationary tucking/pleating rods. None of these tucking devices in Maxton, Herrmann, or Westphal are on a rotary paddle or are conveyed along a track alongside a conveyor. To include opposing assemblies with moving tucking blades in either Maxton, Herrmann, or Westphal would substantially alter the methods and the apparatus disclosed in each of these references. Since there is no suggestion or motivation to modify either Maxton, Herrmann, or Westphal to include the use of opposing assemblies with moving tucking blades, there is no reasonable expectation of success in achieving Applicants' claimed method based on the teachings of Maxton, Herrmann, and Westphal.

Furthermore, in Westphal, garments proceed along the conveyor assemblies with the garments arranged perpendicular to the direction in which the garments in both Maxton and Herrmann proceed along a conveyor. Because the

garments in Westphal are conveyed in a completely different orientation than the garments in either Maxton or Herrmann, the apparatus of these inventions necessarily differ from one another. There is no suggestion or motivation to a person skilled in the art to combine the teachings of Maxton, Herrmann, and Westphal because the processes and apparatus in these three references are so different from one another that a combination thereof would be repugnant to each of the references individually.

For at least the reasons given above, Applicants respectfully submit that the teachings of Maxton in view of Herrmann and further in view of Westphal fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

D. Westphal et al. in view of Herrmann and Kober

The rejection of Claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Westphal in view of Herrmann and further in view of Kober (U.S. Patent No. 5,300,007) is respectfully traversed. As pointed out in response to the previous Office Action, Applicants requested cancellation of Claims 21 and 22 in the Amendment filed 13 February 2006, thereby rendering any rejections of these claims moot.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melanie I. Rauch", written in a cursive style.

Melanie I. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403